

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 4 D.C.
05 JUN -8 PM 3:03
ROBERT R. DI TROLIO
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RAYMOND E. CLARK,

Plaintiff,

VS.

No. 1-04-1300-T-An

CORRECTIONS CORPORATION OF
AMERICA, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

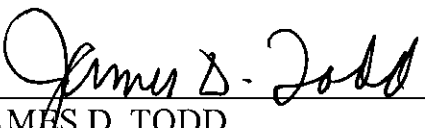
Plaintiff Raymond E. Clark, an inmate an Hardeman County Correctional Facility ("HCCF") in Whiteville, Tennessee, brought this action, *pro se*, pursuant to 42 U.S.C. § 1983 against Defendants Corrections Corporation of America ("CCA"), HCCF Warden Glen Turner, and Captain Ron Brandis. Plaintiff files this motion for appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1), arguing that appointed counsel is necessary because he is illiterate.

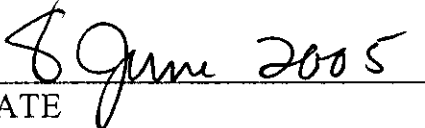
A district court has broad discretion to request an attorney to represent a person unable to employ counsel. 28 U.S.C. § 1915(e)(1). See Maclin v. Freake, 650 F.2d 885, 886 (7th Cir. 1981); Moss v. Thomas, 299 F.2d 729, 730 (6th Cir. 1962); Turner v. Steward, 497 F. Supp. 557 (E.D. Ky. 1980). "[I]t is well settled that in civil actions the appointment of counsel should be allowed only in exceptional cases." Willett v. Wells, 469 F. Supp. 748,

751 (E.D. Tenn. 1977), *aff'd*, 595 F.2d 1227 (6th Cir. 1979) (quoting United States ex rel. Gardner v. Madden, 352 F.2d 792, 794 (9th Cir. 1965)).

The court has considered the merits of the claim, the factual issues raised in the claim, and the complexity of the legal issues raised in the complaint. The court finds no exceptional circumstances that warrant appointment of counsel in this case. Accordingly, the motion of Plaintiff Raymond E. Clark for appointment of counsel is DENIED.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 1:04-CV-01300 was distributed by fax, mail, or direct printing on June 8, 2005 to the parties listed.

Raymond E. Clark
HCCF-WHITEVILLE
227052
P.O. Box 549
Whiteville, TN 38075--054

Honorable James Todd
US DISTRICT COURT